

1                   A bill to be entitled  
2       An act relating to family law; amending s. 88.1011, F.S.;  
3       revising and providing definitions; amending s. 88.1021,  
4       F.S.; designating the Department of Revenue as the support  
5       enforcement agency of this state; amending s. 88.1031,  
6       F.S.; revising provisions relating to remedies provided by  
7       the act; creating s. 88.1041, F.S.; providing for  
8       applicability of provisions to residents of foreign  
9       counties and foreign support proceedings; amending s.  
10      88.2011, F.S.; providing that specified bases of personal  
11      jurisdiction may not be used to acquire personal  
12      jurisdiction for certain purposes unless specified  
13      requirements are met; amending s. 88.2021, F.S.; providing  
14      for duration of personal jurisdiction; deleting provisions  
15      relating to procedure when exercising jurisdiction over  
16      nonresident; amending ss. 88.2031 and 88.2041, F.S.;  
17      conforming provisions to changes made by the act; amending  
18      s. 88.2051, F.S.; revising provisions relating to  
19      continuation of exclusive jurisdiction; amending s.  
20      88.2061, F.S.; providing for continuing jurisdiction to  
21      enforce child support orders; amending s. 88.2071, F.S.;  
22      revising provisions relating to determination of a  
23      controlling child support order; amending s. 88.2081,  
24      F.S.; revising language relating to child support orders  
25      for two or more obligees; amending s. 88.2091, F.S.;  
26      revising language relating to credit for child support  
27      payments; creating s. 88.2101, F.S.; providing for  
28      application of the act to a nonresident subject to

29 personal jurisdiction; creating s. 88.2111, F.S.;  
30 providing for continuing, exclusive jurisdiction to modify  
31 a spousal support order; amending s. 88.3011, F.S.;  
32 revising provisions relating to applicability of the act;  
33 amending ss. 88.3021 and 88.3031, F.S.; revising  
34 terminology; amending s. 88.3041, F.S.; revising  
35 provisions relating to duties of an initiating tribunal;  
36 amending s. 88.3051, F.S.; revising provisions relating to  
37 duties and powers of a responding tribunal; amending s.  
38 88.3061, F.S.; revising terminology; amending s. 88.3071,  
39 F.S.; revising provisions relating to the duties of a  
40 support enforcement agency; amending s. 88.3081, F.S.;  
41 providing that the Governor and Cabinet may determine that  
42 a foreign country has established a reciprocal arrangement  
43 for child support with this state and take appropriate  
44 action for notification of the determination; amending s.  
45 88.3101, F.S.; revising terminology; amending s. 88.3111,  
46 F.S.; revising provisions relating to pleadings and  
47 accompanying documents; amending s. 88.3121, F.S.;  
48 revising requirements for nondisclosure of certain  
49 information; amending ss. 88.3131 and 88.3141, F.S.;  
50 revising terminology; amending s. 88.3161, F.S.; revising  
51 provisions relating to special rules of evidence and  
52 procedure; amending ss. 88.3171 and 88.3181, F.S.;  
53 revising terminology; amending s. 88.3191, F.S.; revising  
54 provisions relating to receipt and disbursement of  
55 payments; amending s. 88.4011, F.S.; revising provisions  
56 relating to establishment of a support order; creating s.

88.4021, F.S.; providing that certain tribunals of this state may serve as responding tribunals in proceedings to determine parentage of a child under certain provisions; providing a directive to the Division of Statutory Revision; amending s. 88.5011, F.S.; revising provisions relating to an employer's receipt of an income-withholding order from another state; amending ss. 88.50211, 88.5031, 88.5041, and 88.5051, F.S.; revising terminology; amending s. 88.5061, F.S.; revising provisions relating to a contest by obligor; amending s. 88.5071, F.S.; revising terminology; providing a directive to the Division of Statutory Revision; amending s. 88.6011, F.S.; revising terminology; amending s. 88.6021, F.S.; revising provisions relating to the procedure to register order for enforcement; amending s. 88.6031, F.S.; revising terminology; amending s. 88.6041, F.S.; revising provisions relating to choice of law; amending s. 88.6051, F.S.; revising provisions relating to notice of registration of order; amending s. 88.6061, F.S.; revising provisions relating to the procedure to contest the validity or enforcement of a registered order; amending s. 88.6071, F.S.; revising provisions relating to the contesting of registration or enforcement; amending s. 88.6081, F.S.; revising terminology; amending s. 88.6091, F.S.; correcting a cross-reference; amending s. 88.6111, F.S.; revising provisions relating to modification of a child support order of another state; amending s. 88.6121, F.S.; revising provisions relating to recognition of a

85 child support order modified in another state; creating s.  
86 88.6151, F.S.; providing for jurisdiction to modify a  
87 child support order of a foreign country; creating s.  
88 88.6161, F.S.; providing procedures for registration of a  
89 child support order of a foreign country for modification;  
90 providing a directive to the Division of Statutory  
91 Revision; repealing s. 88.7011, F.S., relating to a  
92 proceeding to determine parentage of a child; creating s.  
93 88.70111, F.S.; providing definitions relating to a  
94 support proceeding under the Convention on the  
95 International Recovery of Child Support and Other Forms of  
96 Family Maintenance; creating s. 88.7021, F.S.; providing  
97 for applicability; creating s. 88.7031, F.S.; specifying  
98 the relationship of the Department of Revenue to the  
99 United States central authority; creating s. 88.7041,  
100 F.S.; providing for initiation by the Department of  
101 Revenue of support proceedings under the convention;  
102 creating s. 88.7051, F.S.; providing for direct requests  
103 to tribunals; creating s. 88.7061, F.S.; providing for  
104 registration of convention support orders; creating s.  
105 88.7071, F.S.; providing for contest of registered  
106 convention support orders; creating s. 88.7081, F.S.;  
107 providing for recognition and enforcement of registered  
108 convention support orders; creating s. 88.7091, F.S.;  
109 providing for partial enforcement of convention support  
110 orders; creating s. 88.7101, F.S.; providing requirements  
111 for a foreign support agreement; creating s. 88.7111,  
112 F.S.; providing for modification of convention child

113 support orders; creating s. 88.7121, F.S.; providing  
114 limits on the personal use of certain information;  
115 creating s. 88.7131, F.S.; requiring a record filed with a  
116 tribunal of this state under specified provisions to be in  
117 the original language and, if not in English, to be  
118 accompanied by an English translation; amending s.  
119 88.8011, F.S.; revising terminology; amending s. 88.9011,  
120 F.S.; revising provisions relating to the uniformity of  
121 application and construction of the act; creating s.  
122 88.9021, F.S.; providing applicability; amending s.  
123 88.9031, F.S.; revising terminology; amending ss. 61.13  
124 and 827.06, F.S.; correcting cross-references; directing  
125 the Department of Revenue to apply for a waiver; amending  
126 s. 61.08, F.S.; revising provisions relating to factors to  
127 be considered for alimony awards; revising provisions  
128 relating to awards of durational alimony; revising  
129 provisions relating to awards of permanent alimony;  
130 providing that the award of alimony may not leave the  
131 payor with significantly less net income than the net  
132 income of the recipient unless there are written findings  
133 of exceptional circumstances; providing for applicability  
134 of specified provisions; providing effective dates.

135  
136 Be It Enacted by the Legislature of the State of Florida:

137  
138 Section 1. Section 88.1011, Florida Statutes, is amended  
139 to read:

140 88.1011 Definitions.—As used in this act:

141 (1) "Child" means an individual, whether over or under the  
142 age of majority, who is or is alleged to be owed a duty of  
143 support by the individual's parent or who is or is alleged to be  
144 the beneficiary of a support order directed to the parent.

145 (2) "Child support order" means a support order for a  
146 child, including a child who has attained the age of majority  
147 under the law of the issuing state or foreign country.

148 (3) "Convention" means the Convention on the International  
149 Recovery of Child Support and Other Forms of Family Maintenance,  
150 concluded at The Hague on November 23, 2007.

151 ~~(4) (3)~~ "Duty of support" means an obligation imposed or  
152 imposable by law to provide support for a child, spouse, or  
153 former spouse, including an unsatisfied obligation to provide  
154 support.

155 (5) "Foreign country" means a country, including a  
156 political subdivision thereof, other than the United States,  
157 that authorizes the issuance of support orders and:

158 (a) Which has been declared under the law of the United  
159 States to be a foreign reciprocating country;

160 (b) Which has established a reciprocal arrangement for  
161 child support with this state as provided in s. 88.3081;

162 (c) Which has enacted a law or established procedures for  
163 the issuance and enforcement of support orders which are  
164 substantially similar to the procedures under this act; or

165 (d) In which the convention is in force with respect to  
166 the United States.

167 (6) "Foreign support order" means a support order of a  
168 foreign tribunal.

169        (7) "Foreign tribunal" means a court, administrative  
170 agency, or quasi-judicial entity of a foreign country which is  
171 authorized to establish, enforce, or modify support orders or to  
172 determine parentage of a child. The term includes a competent  
173 authority under the convention.

174        (8)-(4) "Home state" means the state or foreign country in  
175 which a child lived with a parent or a person acting as parent  
176 for at least 6 consecutive months immediately preceding the time  
177 of filing of a petition or comparable pleading for support and,  
178 if a child is less than 6 months old, the state or foreign  
179 country in which the child lived from birth with any of them. A  
180 period of temporary absence of any of them is counted as part of  
181 the 6-month or other period.

182        (9)-(5) "Income" includes earnings or other periodic  
183 entitlements to money from any source and any other property  
184 subject to withholding for support under the law of this state.

185        (10)-(6) "Income-withholding order" means an order or other  
186 legal process directed to an obligor's employer or other debtor,  
187 as defined by the income deduction law of this state, or payor  
188 as defined by s. 61.046, to withhold support from the income of  
189 the obligor.

190        ~~(7) "Initiating state" means a state from which a~~  
191 ~~proceeding is forwarded or in which a proceeding is filed for~~  
192 ~~forwarding to a responding state under this act or a law or~~  
193 ~~procedure substantially similar to this act, the Uniform~~  
194 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~  
195 ~~Reciprocal Enforcement of Support Act.~~

196        (11)-(8) "Initiating tribunal" means the authorized

197 tribunal of a state or foreign country from which a petition or  
198 comparable pleading is forwarded or in which a petition or  
199 comparable pleading is filed for forwarding to another state or  
200 foreign country in an initiating state.

201 (12) "Issuing foreign country" means the foreign country  
202 in which a tribunal issues a support order or a judgment  
203 determining parentage of a child.

204 (13)(9) "Issuing state" means the state in which a  
205 tribunal issues a support order or renders a judgment  
206 determining parentage of a child.

207 (14)(10) "Issuing tribunal" means the tribunal of a state  
208 or foreign country that issues a support order or ~~renders~~ a  
209 judgment determining parentage of a child.

210 (15)(11) "Law" includes decisional and statutory law and  
211 rules and regulations having the force of law.

212 (16)(12) "Obligee" means:

213 (a) An individual to whom a duty of support is or is  
214 alleged to be owed or in whose favor a support order ~~has been~~  
215 ~~issued~~ or a judgment determining parentage of a child has been  
216 issued rendered;

217 (b) A foreign country, state, or political subdivision of  
218 a state to which the rights under a duty of support or support  
219 order have been assigned or which has independent claims based  
220 on financial assistance provided to an individual obligee in  
221 place of child support; or

222 (c) An individual seeking a judgment determining parentage  
223 of the individual's child; or

224 (d) A person that is a creditor in a proceeding under part



VII of this chapter.

~~(17)(13)~~ "Obligor" means an individual, or the estate of a decedent that:

(a) ~~who~~ Owes or is alleged to owe a duty of support;

(b) ~~who~~ Is alleged but has not been adjudicated to be a parent of a child; ~~or~~

(c) ~~who~~ Is liable under a support order; or

(d) Is a debtor in a proceeding under part VII.

(18) "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality or any other legal or commercial entity.

(20) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium that is retrievable in perceivable form.

~~(21)(14)~~ "Register" means to record or file in a tribunal of this state a support order or judgment determining parentage of a child issued in another state or a foreign country ~~in the Registry of Foreign Support Orders of the circuit court, or other appropriate location for the recording or filing of foreign judgments generally or foreign support orders specifically.~~

~~(22)(15)~~ "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is

253 registered.

254 ~~(23)(16)~~ "Responding state" means a state in which a  
255 petition or comparable pleading for support or to determine  
256 parentage of a child ~~proceeding~~ is filed or to which a petition  
257 or comparable pleading ~~proceeding~~ is forwarded for filing from  
258 another state or a foreign country ~~an initiating state under~~  
259 ~~this act or a law or procedure substantially similar to this~~  
260 ~~act, the Uniform Reciprocal Enforcement of Support Act, or the~~  
261 ~~Revised Uniform Reciprocal Enforcement of Support Act.~~

262 ~~(24)(17)~~ "Responding tribunal" means the authorized  
263 tribunal in a responding state or a foreign country.

264 ~~(25)(18)~~ "Spousal-support order" means a support order for  
265 a spouse or former spouse of the obligor.

266 ~~(26)(19)~~ "State" means a state of the United States, the  
267 District of Columbia, Puerto Rico, the United States Virgin  
268 Islands, or any territory or insular possession under ~~subject to~~  
269 the jurisdiction of the United States. The term includes:

270 ~~(a)~~ an Indian nation or tribe; ~~and~~

271 ~~(b)~~ ~~A foreign jurisdiction that has enacted a law or~~  
272 ~~established procedures for issuance and enforcement of support~~  
273 ~~orders which are substantially similar to the procedures under~~  
274 ~~this act, the Uniform Reciprocal Enforcement of Support Act, or~~  
275 ~~the Revised Uniform Reciprocal Enforcement of Support Act, as~~  
276 ~~determined by the Attorney General.~~

277 ~~(27)(20)~~ "Support enforcement agency" means a public  
278 official, governmental entity, or private agency authorized to  
279 seek:

280 (a) Seek enforcement of support orders or laws relating to

CS/CS/CS/HB 1111, Engrossed 2

2011

the duty of support;

(b) Seek establishment or modification of child support;

(c) Request determination of parentage of a child; ~~or~~

(d) Attempt to locate obligors or their assets; or

(e) Request determination of the controlling child support order.

~~(28)(21)~~ "Support order" means a judgment, decree, ~~or~~ order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. The ~~term, and~~ may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

~~(29)(22)~~ "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

Section 2. Section 88.1021, Florida Statutes, is amended to read:

88.1021 ~~Tribunal of State~~ tribunal and support enforcement agency.—

(1) The circuit court or other appropriate court, administrative agency, quasi-judicial entity, or combination is the tribunal of this state.

(2) The Department of Revenue is the support enforcement agency of this state.

309 Section 3. Section 88.1031, Florida Statutes, is amended  
310 to read:

311 88.1031 Remedies cumulative.—

312 (1) Remedies provided by this act are cumulative and do  
313 not affect the availability of remedies under other law, or the  
314 recognition of a foreign support order on the basis of comity.

315 (2) This act does not:

316 (a) Provide the exclusive method of establishing or  
317 enforcing a support order under the law of this state; or

318 (b) Grant a tribunal of this state jurisdiction to render  
319 judgment or issue an order relating to child custody or  
320 visitation in a proceeding under this act.

321 Section 4. Section 88.1041, Florida Statutes, is created  
322 to read:

323 88.1041 Application of act to resident of foreign country  
324 and foreign support proceeding.—

325 (1) A tribunal of this state shall apply parts I through  
326 VI of this chapter, and, as applicable, part VII of this  
327 chapter, to a support proceeding involving:

328 (a) A foreign support order;

329 (b) A foreign tribunal; or

330 (c) An obligee, obligor, or child residing in a foreign  
331 country.

332 (2) A tribunal of this state that is requested to  
333 recognize and enforce a support order on the basis of comity may  
334 apply the procedural and substantive provisions of parts I  
335 through VI of this chapter.

336        (3) Part VII of this chapter applies only to a support  
337 proceeding under the convention. In such a proceeding, if a  
338 provision of part VII of this chapter is inconsistent with parts  
339 I through VI of this chapter, part VII of this chapter controls.

340        Section 5. Section 88.2011, Florida Statutes, is amended  
341 to read:

342        88.2011 Bases for jurisdiction over nonresident.—

343        (1) In a proceeding to establish ~~or~~, enforce, ~~or modify~~ a  
344 support order or to determine parentage of a child, a tribunal  
345 of this state may exercise personal jurisdiction over a  
346 nonresident individual or the individual's guardian or  
347 conservator if:

348        (a)~~(1)~~ The individual is personally served with citation,  
349 summons, or notice within this state;

350        (b)~~(2)~~ The individual submits to the jurisdiction of this  
351 state by consent in a record, by entering a general appearance,  
352 or by filing a responsive document having the effect of waiving  
353 any contest to personal jurisdiction;

354        (c)~~(3)~~ The individual resided with the child in this  
355 state;

356        (d)~~(4)~~ The individual resided in this state and provided  
357 prenatal expenses or support for the child;

358        (e)~~(5)~~ The child resides in this state as a result of the  
359 acts or directives of the individual;

360        (f)~~(6)~~ The individual engaged in sexual intercourse in  
361 this state and the child may have been conceived by that act of  
362 intercourse;

363        (g)~~(7)~~ The individual asserted parentage of a child in a

tribunal or in a putative father registry maintained in this state by the appropriate agency; or

(h)(8) There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

(2) The bases of personal jurisdiction set forth in subsection (1) or in any other law of this state may not be used to acquire personal jurisdiction for tribunal of this state to modify a child support order of another state unless the requirements of s. 88.6111 are met, or, in the case of a foreign support order, unless the requirements of s. 88.6151 are met.

Section 6. Section 88.2021, Florida Statutes, is amended to read:

88.2021 Duration of personal ~~Procedure when exercising jurisdiction over nonresident.~~ Personal jurisdiction acquired by a tribunal of this state in a proceeding under this act or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by ss. 88.2051, 88.2061, and 88.2111 ~~A tribunal of this state exercising personal jurisdiction over a nonresident under s. 88.2011 may apply s. 88.3161 (special rules of evidence and procedure) to receive evidence from another state, and s. 88.3181 (assistance with discovery) to obtain discovery through a tribunal of another state. In all other respects, parts III through VII of this chapter do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice~~

392 ~~of law other than those established by this act.~~

393 Section 7. Section 88.2031, Florida Statutes, is amended  
394 to read:

395 88.2031 Initiating and responding tribunal of state.—Under  
396 this act, a tribunal of this state may serve as an initiating  
397 tribunal to forward proceedings to a tribunal of another state  
398 and as a responding tribunal for proceedings initiated in  
399 another state or a foreign country.

400 Section 8. Section 88.2041, Florida Statutes, is amended  
401 to read:

402 88.2041 Simultaneous proceedings in another state.—

403 (1) A tribunal of this state may exercise jurisdiction to  
404 establish a support order if the petition or comparable pleading  
405 is filed after a petition or comparable pleading is filed in  
406 another state or a foreign country only if:

407 (a) The petition or comparable pleading in this state is  
408 filed before the expiration of the time allowed in the other  
409 state or the foreign country for filing a responsive pleading  
410 challenging the exercise of jurisdiction by the other state or  
411 the foreign country;

412 (b) The contesting party timely challenges the exercise of  
413 jurisdiction in the other state or the foreign country; and

414 (c) If relevant, this state is the home state of the  
415 child.

416 (2) A tribunal of this state may not exercise jurisdiction  
417 to establish a support order if the petition or comparable  
418 pleading is filed before a petition or comparable pleading is  
419 filed in another state or a foreign country if:

420 (a) The petition or comparable pleading in the other state  
421 or the foreign country is filed before the expiration of the  
422 time allowed in this state for filing a responsive pleading  
423 challenging the exercise of jurisdiction by this state;

424 (b) The contesting party timely challenges the exercise of  
425 jurisdiction in this state; and

426 (c) If relevant, the other state or the foreign country is  
427 the home state of the child.

428 Section 9. Section 88.2051, Florida Statutes, is amended  
429 to read:

430 88.2051 Continuing exclusive jurisdiction.—

431 (1) A tribunal of this state that has issued ~~issuing~~ a  
432 child support order consistent with the law of this state has  
433 and shall exercise continuing, exclusive jurisdiction to modify  
434 its ~~over a~~ child support order if the order is the controlling  
435 order and:

436 (a) At the time of the filing of a request for  
437 modification, As long as this state is ~~remains~~ the residence of  
438 the obligor, the individual obligee, or the child for whose  
439 benefit the support order is issued; or

440 (b) Even if this state is not the residence of the  
441 obligor, the individual obligee, or the child for whose benefit  
442 the support order is issued, the parties consent in a record or  
443 in open court that the tribunal of this state may continue to  
444 exercise jurisdiction to modify its order ~~Until all of the~~  
445 ~~parties who are individuals have filed written consents with the~~  
446 ~~tribunal of this state for a tribunal of another state to modify~~  
447 ~~the order and assume continuing exclusive jurisdiction.~~



448 (2) A tribunal of this state that has issued ~~issuing~~ a  
449 child support order consistent with the law of this state may  
450 not exercise ~~its~~ continuing, exclusive jurisdiction to modify  
451 the order if: ~~the order has been modified by a tribunal of~~  
452 ~~another state pursuant to this act or a law substantially~~  
453 ~~similar to this act.~~

454 (a) All of the parties who are individuals file consent in  
455 a record with the tribunal of this state that a tribunal of  
456 another state that has jurisdiction over at least one of the  
457 parties who is an individual or that is located in the state of  
458 residence of the child may modify the order and assume  
459 continuing, exclusive jurisdiction; or

460 (b) Its order is not the controlling order.

461 ~~(3) If a child support order of this state is modified by~~  
462 ~~a tribunal of another state pursuant to this act or a law~~  
463 ~~substantially similar to this act, a tribunal of this state~~  
464 ~~loses its continuing exclusive jurisdiction with regard to~~  
465 ~~prospective enforcement of the order issued in this state, and~~  
466 ~~may only:~~

467 ~~(a) Enforce the order that was modified as to amounts~~  
468 ~~accruing before the modification;~~

469 ~~(b) Enforce nonmodifiable aspects of that order; and~~

470 ~~(c) Provide other appropriate relief for violations of~~  
471 ~~that order which occurred before the effective date of the~~  
472 ~~modification.~~

473 ~~(3)-(4) If a tribunal of this state shall recognize the~~  
474 ~~continuing exclusive jurisdiction of a tribunal of another state~~  
475 ~~which~~ has issued a child support order pursuant to this act or a

476 law substantially similar to this act which modifies a child  
477 support order of a tribunal of this state, tribunals of this  
478 state shall recognize the continuing, exclusive jurisdiction of  
479 the tribunal of the other state.

480 (4) A tribunal of this state that lacks continuing,  
481 exclusive jurisdiction to modify a child support order may serve  
482 as an initiating tribunal to request a tribunal of another state  
483 to modify a support order issued in that state.

484 (5) A temporary support order issued ex parte or pending  
485 resolution of a jurisdictional conflict does not create  
486 continuing exclusive jurisdiction in the issuing tribunal.

487 ~~(6) A tribunal of this state issuing a support order~~  
488 ~~consistent with the law of this state has continuing exclusive~~  
489 ~~jurisdiction over a spousal support order throughout the~~  
490 ~~existence of the support obligation. A tribunal of this state~~  
491 ~~may not modify a spousal support order issued by a tribunal of~~  
492 ~~another state having continuing exclusive jurisdiction over that~~  
493 ~~order under the law of that state.~~

494 Section 10. Section 88.2061, Florida Statutes, is amended  
495 to read:

496 88.2061 ~~Enforcement and modification of support order by~~  
497 ~~tribunal having~~ Continuing jurisdiction to enforce child support  
498 order.—

499 (1) A tribunal of this state that has issued a child  
500 support order consistent with the law of this state may serve as  
501 an initiating tribunal to request a tribunal of another state to  
502 enforce; ~~or modify a support order issued in that state.~~

503 (a) The order if the order is the controlling order and

504 has not been modified by a tribunal of another state that  
505 assumed jurisdiction pursuant to the Uniform Interstate Family  
506 Support Act; or

507 (b) A money judgment for arrears of support and interest  
508 on the order accrued before a determination that an order of a  
509 tribunal of another state is the controlling order.

510 (2) A tribunal of this state having continuing ~~exclusive~~  
511 jurisdiction over a support order may act as a responding  
512 tribunal to enforce ~~or modify~~ the order. ~~If a party subject to~~  
513 ~~the continuing exclusive jurisdiction of the tribunal no longer~~  
514 ~~resides in the issuing state, in subsequent proceedings the~~  
515 ~~tribunal may apply s. 88.3161 (special rules of evidence and~~  
516 ~~procedure) to receive evidence from another state and s. 88.3181~~  
517 ~~(assistance with discovery) to obtain discovery through a~~  
518 ~~tribunal of another state.~~

519 ~~(3) A tribunal of this state which lacks continuing~~  
520 ~~exclusive jurisdiction over a spousal support order may not~~  
521 ~~serve as a responding tribunal to modify a spousal support order~~  
522 ~~of another state.~~

523 Section 11. Section 88.2071, Florida Statutes, is amended  
524 to read:

525 88.2071 Determination ~~Recognition~~ of controlling child  
526 support order.—

527 (1) If a proceeding is brought under this act and only one  
528 tribunal has issued a child support order, the order of that  
529 tribunal controls and must be ~~so~~ recognized.

530 (2) If a proceeding is brought under this act, and two or  
531 more child support orders have been issued by tribunals of this

532 state, ~~or~~ another state, or a foreign country with regard to the  
533 same obligor and the same child, a tribunal of this state having  
534 personal jurisdiction over both the obligor and individual  
535 obligee shall apply the following rules and by order shall  
536 determine ~~in determining~~ which order controls and must be  
537 recognized ~~to recognize for purposes of continuing, exclusive~~  
538 ~~jurisdiction:~~

539 (a) If only one of the tribunals would have continuing,  
540 exclusive jurisdiction under this act, the order of that  
541 tribunal controls ~~and must be so recognized.~~

542 (b) If more than one of the tribunals would have  
543 continuing, exclusive jurisdiction under this act:7

544 1. An order issued by a tribunal in the current home state  
545 of the child controls; ~~or and must be so recognized, but~~

546 2. If an order has not been issued in the current home  
547 state of the child, the order most recently issued controls ~~and~~  
548 ~~must be so recognized.~~

549 (c) If none of the tribunals would have continuing,  
550 exclusive jurisdiction under this act, the tribunal of this  
551 state ~~having jurisdiction over the parties~~ shall issue a child  
552 support order, which controls ~~and must be so recognized.~~

553 (3) If two or more child support orders have been issued  
554 for the same obligor and the same child, upon request of ~~and if~~  
555 ~~the obligor or the individual obligee resides in this state,~~ a  
556 party who is an individual or that is a support enforcement  
557 agency, ~~may request~~ a tribunal of this state having personal  
558 jurisdiction over both the obligor and the obligee who is an  
559 individual shall ~~to~~ determine which order controls ~~and must be~~

560 ~~so recognized~~ under subsection (2). The request may be filed  
561 with a registration for enforcement or registration for  
562 modification pursuant to part VI of this chapter, or may be  
563 filed as a separate proceeding ~~must be accompanied by a~~  
564 ~~certified copy of every support order in effect. The requesting~~  
565 ~~party shall give notice of the request to each party whose~~  
566 ~~rights may be affected by the determination.~~

567 (4) A request to determine which is the controlling order  
568 must be accompanied by a copy of every child support order in  
569 effect and the applicable record of payments. The requesting  
570 party shall give notice of the request to each party whose  
571 rights may be affected by the determination.

572 ~~(5)(4)~~ The tribunal that issued the controlling order  
573 under subsection (1), subsection (2), or subsection (3) ~~is the~~  
574 ~~tribunal that~~ has continuing, ~~exclusive~~ jurisdiction to the  
575 extent provided in s. ~~under s.~~ 88.2051 or s. 88.2061.

576 ~~(6)(5)~~ A tribunal of this state that ~~which~~ determines by  
577 order which is the identity of the controlling order under  
578 paragraph (2)(a), ~~or~~ paragraph (2)(b), or subsection (3) or that  
579 ~~which~~ issues a new controlling order under paragraph (2)(c)  
580 shall state in that order:

581 (a) The basis upon which the tribunal made its  
582 determination;

583 (b) The amount of prospective support, if any; and

584 (c) The total amount of consolidated arrears and accrued  
585 interest, if any, under all of the orders after all payments  
586 made are credited as provided by s. 88.2091.

587 ~~(7)(6)~~ Within 30 days after issuance of an order

CS/CS/CS/HB 1111, Engrossed 2

2011

determining which is the identity of the controlling order, the party obtaining the order shall file a certified copy of it in ~~with~~ each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining ~~who obtains~~ the order that ~~and~~ fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

(8) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this act.

Section 12. Section 88.2081, Florida Statutes, is amended to read:

88.2081 ~~Multiple~~ Child support orders for two or more obligees.—In responding to ~~multiple~~ registrations, petitions, or comparable pleadings for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the ~~multiple~~ orders had been issued by a tribunal of this state.

Section 13. Section 88.2091, Florida Statutes, is amended to read:

88.2091 Credit for payments.—A tribunal of this state shall credit amounts collected ~~and credited~~ for a particular period pursuant to any child support order against the amounts

616 owed for the same period under any other child support order for  
617 support of the same child ~~a support order issued by a tribunal~~  
618 ~~of another state must be credited against the amounts accruing~~  
619 ~~or accrued for the same period under a support order~~ issued by  
620 the tribunal of this state, another state, or a foreign country.

621 Section 14. Section 88.2101, Florida Statutes, is created  
622 to read:

623 88.2101 Application of act to nonresident subject to  
624 personal jurisdiction.—A tribunal of this state exercising  
625 personal jurisdiction over a nonresident in a proceeding under  
626 this act, under another law of this state relating to a support  
627 order, or recognizing a foreign support order may receive  
628 evidence from outside this state pursuant to s. 88.3161,  
629 communicate with a tribunal outside this state pursuant to s.  
630 88.3171, and obtain discovery through a tribunal outside this  
631 state pursuant to s. 88.3181. In all other respects, parts III  
632 through VI of this chapter do not apply, and the tribunal shall  
633 apply the procedural and substantive law of this state.

634 Section 15. Section 88.2111, Florida Statutes, is created  
635 to read:

636 88.2111 Continuing, exclusive jurisdiction to modify  
637 spousal support order.—

638 (1) A tribunal of this state issuing a spousal support  
639 order consistent with the law of this state has continuing,  
640 exclusive jurisdiction to modify the spousal support order  
641 throughout the existence of the support obligation.

642 (2) A tribunal of this state may not modify a spousal  
643 support order issued by a tribunal of another state or foreign

country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

(3) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order may serve as:

(a) An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state; or

(b) A responding tribunal to enforce or modify its own spousal support order.

Section 16. Section 88.3011, Florida Statutes, is amended to read:

88.3011 Proceedings under this act.—

(1) Except as otherwise provided in this act, this part ~~article~~ applies to all proceedings under this act.

~~(2) This act provides for the following proceedings:~~

~~(a) Establishment of an order for spousal support or child support pursuant to part IV;~~

~~(b) Enforcement of a support order and income withholding order of another state without registration pursuant to part V;~~

~~(c) Registration of an order for spousal support or child support of another state for enforcement pursuant to part VI;~~

~~(d) Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to ss.~~

~~88.2031-88.2061;~~

~~(e) Registration of an order for child support of another state for modification pursuant to part VI;~~

~~(f) Determination of parentage pursuant to part VII; and~~



CS/CS/CS/HB 1111, Engrossed 2

2011

~~(g) Assertion of jurisdiction over nonresidents pursuant to ss. 88.2011-88.2021.~~

~~(2)(3)~~ An individual petitioner or a support enforcement agency may initiate ~~commence~~ a proceeding authorized under this act by filing a petition or a comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent.

Section 17. Section 88.3021, Florida Statutes, is amended to read:

88.3021 Proceeding ~~Action~~ by minor parent.—A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Section 18. Section 88.3031, Florida Statutes, is amended to read:

88.3031 Application of law of state.—Except as otherwise provided in ~~by~~ this act, a responding tribunal of this state shall:

(1) ~~Shall~~ Apply the procedural and substantive law ~~including the rules on choice of law~~, generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

(2) ~~Shall~~ Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

CS/CS/CS/HB 1111, Engrossed 2

2011

700 Section 19. Section 88.3041, Florida Statutes, is amended  
701 to read:

702 88.3041 Duties of initiating tribunal.—

703 (1) Upon the filing of a petition or comparable pleading  
704 authorized by this act, an initiating tribunal of this state  
705 shall forward ~~three copies of~~ the petition and its accompanying  
706 documents or a comparable pleading and its accompanying  
707 documents:

708 (a) To the responding tribunal or appropriate support  
709 enforcement agency in the responding state; or

710 (b) If the identity of the responding tribunal is unknown,  
711 to the state information agency of the responding state with a  
712 request that they be forwarded to the appropriate tribunal and  
713 that receipt be acknowledged.

714 (2) If requested by the responding tribunal ~~a responding~~  
715 ~~state has not enacted this act or a law or procedure~~  
716 ~~substantially similar to this act,~~ a tribunal of this state  
717 shall ~~may~~ issue a certificate or other document and make  
718 findings required by the law of the responding state. If the  
719 responding tribunal ~~state~~ is in a foreign country jurisdiction,  
720 upon request the tribunal of this state shall ~~may~~ specify the  
721 amount of support sought, convert that amount into the  
722 equivalent amount in the foreign currency under applicable  
723 official or market exchange rate as publicly reported, and  
724 provide any other documents necessary to satisfy the  
725 requirements of the responding foreign tribunal ~~state~~.

726 Section 20. Section 88.3051, Florida Statutes, is amended  
727 to read:

88.3051 Duties and powers of responding tribunal.—

(1) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to s. 88.3011 (2) ~~(3)~~, it shall cause the petition or comparable pleading to be filed and notify the petitioner where and when it was filed.

(2) A responding tribunal of this state, to the extent not prohibited ~~otherwise authorized~~ by other law, may do one or more of the following:

(a) Establish ~~Issue~~ or enforce a support order, modify a child support order, determine the controlling child support order, or ~~render a judgment to~~ determine parentage of a child.

(b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

(c) Order income withholding.

(d) Determine the amount of any arrearages, and specify a method of payment.

(e) Enforce orders by civil or criminal contempt, or both.

(f) Set aside property for satisfaction of the support order.

(g) Place liens and order execution on the obligor's property.

(h) Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment, and telephone number at the place of employment.

(i) Issue a bench warrant, capias, or writ of bodily attachment for an obligor who has failed after proper notice to

756 appear at a hearing ordered by the tribunal and enter the bench  
757 warrant, capias, or writ of bodily attachment in any local and  
758 state computer systems for criminal warrants.

759 (j) Order the obligor to seek appropriate employment by  
760 specified methods.

761 (k) Award reasonable attorney's fees and other fees and  
762 costs.

763 (l) Grant any other available remedy.

764 (3) A responding tribunal of this state shall include in a  
765 support order issued under this act, or in the documents  
766 accompanying the order, the calculations on which the support  
767 order is based.

768 (4) A responding tribunal of this state may not condition  
769 the payment of a support order issued under this act upon  
770 compliance by a party with provisions for visitation.

771 (5) If a responding tribunal of this state issues an order  
772 under this act, the tribunal shall send a copy of the order to  
773 the petitioner and the respondent and to the initiating  
774 tribunal, if any.

775 (6) If requested to enforce a support order, arrears, or  
776 judgment, or modify a support order stated in a foreign  
777 currency, a responding tribunal of this state shall convert the  
778 amount stated in the foreign currency to the equivalent amount  
779 in dollars under the applicable official or market exchange rate  
780 as publicly reported.

781 Section 21. Section 88.3061, Florida Statutes, is amended  
782 to read:

783 88.3061 Inappropriate tribunal.—If a petition or

784 comparable pleading is received by an inappropriate tribunal of  
785 this state, the tribunal ~~it~~ shall forward the pleading and  
786 accompanying documents to an appropriate tribunal of ~~in~~ this  
787 state or another state and notify the petitioner where and when  
788 the pleading was sent.

789 Section 22. Section 88.3071, Florida Statutes, is amended  
790 to read:

791 88.3071 Duties of support enforcement agency.—

792 (1) In a proceeding under this act, a support enforcement  
793 agency of this state, upon request:

794 (a) Shall provide services to a petitioner residing in a  
795 state;

796 (b) Shall provide services to a petitioner requesting  
797 services through a central authority of a foreign country as  
798 described in s. 88.1011(5)(a) or s. 88.1011(5)(d); and

799 (c) May provide services to a petitioner who is an  
800 individual not residing in a state ~~A support enforcement agency~~  
801 ~~of this state, upon request, shall provide services to a~~  
802 ~~petitioner in a proceeding under this act.~~

803 (2) A support enforcement agency that is providing  
804 services to the petitioner as appropriate shall:

805 (a) Take all steps necessary to enable an appropriate  
806 tribunal in this state, ~~or~~ another state, or a foreign country  
807 to obtain jurisdiction over the respondent.

808 (b) Request an appropriate tribunal to set a date, time,  
809 and place for a hearing.

810 (c) Make a reasonable effort to obtain all relevant  
811 information, including information as to income and property of

the parties.

(d) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner.

(e) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner.

(f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(3) A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts:

(a) To ensure that the order to be registered is the controlling order; or

(b) If two or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

(4) A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

(5) A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child support

CS/CS/CS/HB 1111, Engrossed 2

2011

840 order and an income-withholding order that redirect payment of  
841 current support, arrears, and interest if requested to do so by  
842 a support enforcement agency of another state pursuant to s.  
843 88.3191.

844 (6)(3) This act does not create or negate a relationship  
845 of attorney and client or other fiduciary relationship between a  
846 support enforcement agency or the attorney for the agency and  
847 the individual being assisted by the agency.

848 Section 23. Section 88.3081, Florida Statutes, is amended  
849 to read:

850 88.3081 Duty of Governor and Cabinet.—

851 (1) If the Governor and Cabinet determine that the support  
852 enforcement agency is neglecting or refusing to provide services  
853 to an individual, the Governor and Cabinet may order the agency  
854 to perform its duties under this act or may provide those  
855 services directly to the individual.

856 (2) The Governor and Cabinet may determine that a foreign  
857 country has established a reciprocal arrangement for child  
858 support with this state and take appropriate action for  
859 notification of the determination.

860 Section 24. Paragraph (c) of subsection (2) of section  
861 88.3101, Florida Statutes, is amended to read:

862 88.3101 Duties of state information agency.—

863 (2) The state information agency shall:

864 (c) Forward to the appropriate tribunal in the place in  
865 this state in which the ~~individual~~ obligee who is an individual  
866 or the obligor resides, or in which the obligor's property is  
867 believed to be located, all documents concerning a proceeding

CS/CS/CS/HB 1111, Engrossed 2

2011

868 under this act received from another state or a foreign country  
869 ~~an initiating tribunal or the state information agency of the~~  
870 ~~initiating state.~~

871 Section 25. Subsection (1) of section 88.3111, Florida  
872 Statutes, is amended to read:

873 88.3111 Pleadings and accompanying documents.—

874 (1) In a proceeding under this act, a petitioner seeking  
875 to establish ~~or modify~~ a support order, ~~or~~ to determine  
876 parentage of a child, or to register and modify a support order  
877 of a tribunal of another state or a foreign country in a  
878 ~~proceeding under this act~~ must file a ~~verify the~~ petition or  
879 comparable pleading. Unless otherwise ordered under s. 88.3121  
880 ~~(nondisclosure of information in exceptional circumstances),~~ the  
881 petition or comparable pleading or the documents accompanying  
882 either the petition or comparable pleading must provide, so far  
883 as known, the name, residential address, and social security  
884 numbers of the obligor and the obligee or the parent and alleged  
885 parent, and the name, sex, residential address, social security  
886 number, and date of birth of each child for whose benefit ~~whom~~  
887 support is sought or whose parentage of a child is to be  
888 determined. Unless filed at the time of registration, the  
889 petition must be accompanied by a ~~certified~~ copy of any support  
890 order known to have been issued by another tribunal ~~in effect.~~  
891 The petition may include any other information that may assist  
892 in locating or identifying the respondent.

893 Section 26. Section 88.3121, Florida Statutes, is amended  
894 to read:

895 88.3121 Nondisclosure of information in exceptional



896     circumstances.—If a party alleges in an affidavit or a pleading  
897     under oath that the health, safety, or liberty of a party or  
898     child would be jeopardized by disclosure of specific identifying  
899     information, that information must be sealed and may not be  
900     disclosed to the other party or the public. After a hearing in  
901     which a tribunal takes into consideration the health, safety, or  
902     liberty of the party or child, the tribunal may order disclosure  
903     of information that the tribunal determines to be in the  
904     interest of justice ~~Upon a finding, which may be made ex parte,~~  
905     ~~that the health, safety, or liberty of a party or child would be~~  
906     ~~unreasonably put at risk by the disclosure of identifying~~  
907     ~~information, or if an existing order so provides, a tribunal~~  
908     ~~shall order that the address of the child or party or other~~  
909     ~~identifying information not be disclosed in a pleading or other~~  
910     ~~document filed in a proceeding under this act.~~

911             Section 27. Subsection (2) of section 88.3131, Florida  
912     Statutes, is amended to read:

913             88.3131   Costs and fees.—

914             (2)   If an obligee prevails, a responding tribunal of this  
915     state may assess against an obligor filing fees, reasonable  
916     attorney's fees, other costs, and necessary travel and other  
917     reasonable expenses incurred by the obligee and the obligee's  
918     witnesses. The tribunal may not assess fees, costs, or expenses  
919     against the obligee or the support enforcement agency of either  
920     the initiating or the responding state or foreign country,  
921     except as provided by other law. Attorney's fees may be taxed as  
922     costs, and may be ordered paid directly to the attorney, who may  
923     enforce the order in the attorney's own name. Payment of support

owed to the obligee has priority over fees, costs, and expenses.

Section 28. Subsections (1) and (3) of section 88.3141, Florida Statutes, are amended to read:

88.3141 Limited immunity of petitioner.—

(1) Participation by a petitioner in a proceeding under this act before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(3) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this act committed by a party while physically present in this state to participate in the proceeding.

Section 29. Section 88.3161, Florida Statutes, is amended to read:

88.3161 Special rules of evidence and procedure.—

(1) The physical presence of a nonresident party who is an individual ~~the petitioner~~ in a ~~responding~~ tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

(2) An ~~A verified petition or other comparable pleading,~~ affidavit, a document substantially complying with federally mandated forms, or ~~and~~ a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury ~~oath~~ by a party or witness residing outside this ~~in another~~ state.

952 (3) A copy of the record of child support payments  
953 certified as a true copy of the original by the custodian of the  
954 record may be forwarded to a responding tribunal. The copy is  
955 evidence of facts asserted in it, and is admissible to show  
956 whether payments were made.

957 (4) Copies of bills for testing for parentage of a child,  
958 and for prenatal and postnatal health care of the mother and  
959 child, furnished to the adverse party at least 10 days before  
960 trial, are admissible in evidence to prove the amount of the  
961 charges billed and that the charges were reasonable, necessary,  
962 and customary.

963 (5) Documentary evidence transmitted from outside this  
964 ~~another~~ state to a tribunal of this state by telephone,  
965 telecopier, or other electronic means that do not provide an  
966 original record ~~writing~~ may not be excluded from evidence on an  
967 objection based on the means of transmission.

968 (6) In a proceeding under this act, a tribunal of this  
969 state shall ~~may~~ permit a party or witness residing outside this  
970 ~~in another~~ state to be deposed or to testify by telephone,  
971 audiovisual means, or other electronic means at a designated  
972 tribunal or other location ~~in that state~~. A tribunal of this  
973 state shall cooperate with other tribunals ~~of other states~~ in  
974 designating an appropriate location for the deposition or  
975 testimony.

976 (7) If a party called to testify at a civil hearing  
977 refuses to answer on the ground that the testimony may be self-  
978 incriminating, the trier of fact may draw an adverse inference  
979 from the refusal.

980 (8) A privilege against disclosure of communications  
981 between spouses does not apply in a proceeding under this act.

982 (9) The defense of immunity based on the relationship of  
983 husband and wife or parent and child does not apply in a  
984 proceeding under this act.

985 (10) A voluntary acknowledgment of paternity, certified as  
986 a true copy, is admissible to establish parentage of a child.

987 Section 30. Section 88.3171, Florida Statutes, is amended  
988 to read:

989 88.3171 Communications between tribunals.—A tribunal of  
990 this state may communicate with a tribunal outside this ~~of~~  
991 ~~another~~ state in a record writing, or by telephone, electronic  
992 mail, or other means, to obtain information concerning the laws  
993 of that state, the legal effect of a judgment, decree, or order  
994 of that tribunal, and the status of a proceeding ~~in the other~~  
995 ~~state~~. A tribunal of this state may furnish similar information  
996 by similar means to a tribunal outside this ~~of another~~ state.

997 Section 31. Section 88.3181, Florida Statutes, is amended  
998 to read:

999 88.3181 Assistance with discovery.—A tribunal of this  
1000 state may:

1001 (1) Request a tribunal outside this ~~of another~~ state to  
1002 assist in obtaining discovery.

1003 (2) Upon request, compel a person over which ~~whom~~ it has  
1004 jurisdiction to respond to a discovery order issued by a  
1005 tribunal outside this ~~of another~~ state.

1006 Section 32. Section 88.3191, Florida Statutes, is amended  
1007 to read:

CS/CS/CS/HB 1111, Engrossed 2

2011

88.3191 Receipt and disbursement of payments.—

(1) A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

(2) If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, the support enforcement agency of this state or a tribunal of this state shall:

(a) Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

(b) Issue and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(3) The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to subsection (2) shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Section 33. Section 88.4011, Florida Statutes, is amended to read:

88.4011 Establishment of ~~Petition to establish~~ support order.—

1036 (1) If a support order entitled to recognition under this  
1037 act has not been issued, a responding tribunal of this state  
1038 with personal jurisdiction over the parties may issue a support  
1039 order if:

1040 (a) The individual seeking the order resides outside this  
1041 ~~in another~~ state; or

1042 (b) The support enforcement agency seeking the order is  
1043 located outside this ~~in another~~ state.

1044 (2) The tribunal may issue a temporary child support order  
1045 if the tribunal determines that such an order is appropriate and  
1046 the individual ordered to pay is:

1047 (a) A presumed father of the child;

1048 (b) Petitioning to have his paternity adjudicated;

1049 (c) Identified as the father of the child through genetic  
1050 testing;

1051 (d) An alleged father who has declined to submit to  
1052 genetic testing;

1053 (e) Shown by clear and convincing evidence to be the  
1054 father of the child;

1055 (f) An acknowledged father as provided in s. 382.013, s.  
1056 382.016, or s. 742.10;

1057 (g) The mother of the child; or

1058 (h) An individual who has been ordered to pay child  
1059 support in a previous proceeding and the order has not been  
1060 reversed or vacated

1061 ~~(a) The respondent has signed a verified statement~~  
1062 ~~acknowledging parentage;~~

1063 ~~(b) The respondent has been determined by or pursuant to~~

CS/CS/CS/HB 1111, Engrossed 2

2011

1064 ~~law to be the parent; or~~

1065 ~~(c) There is other clear and convincing evidence that the~~  
1066 ~~respondent is the child's parent.~~

1067 (3) Upon finding, after notice and opportunity to be  
1068 heard, that an obligor owes a duty of support, the tribunal  
1069 shall issue a support order directed to the obligor and may  
1070 issue other orders pursuant to s. 88.3051.

1071 Section 34. Section 88.4021, Florida Statutes, is created  
1072 to read:

1073 88.4021 Proceeding to determine parentage.—A tribunal of  
1074 this state authorized to determine parentage of a child may  
1075 serve as a responding tribunal in a proceeding to determine  
1076 parentage of a child brought under this act or a law or  
1077 procedure substantially similar to this act.

1078 Section 35. The Division of Statutory Revision is directed  
1079 to redesignate part V of chapter 88, Florida Statutes, as  
1080 "ENFORCEMENT OF SUPPORT ORDER OF ANOTHER STATE WITHOUT  
1081 REGISTRATION."

1082 Section 36. Section 88.5011, Florida Statutes, is amended  
1083 to read:

1084 88.5011 Employer's receipt of income-withholding order of  
1085 another state.—An income-withholding order issued in another  
1086 state may be sent by or on behalf of the obligee, or by the  
1087 support enforcement agency, to the person ~~or entity~~ defined as  
1088 the obligor's employer under the income deduction law of this  
1089 state or payor as defined by s. 61.046, without first filing a  
1090 petition or comparable pleading or registering the order with a  
1091 tribunal of this state.

CS/CS/CS/HB 1111, Engrossed 2

2011

1092 Section 37. Paragraph (b) of subsection (3) of section  
1093 88.50211, Florida Statutes, is amended to read:

1094 88.50211 Employer's compliance with income-withholding  
1095 order of another state.—

1096 (3) Except as otherwise provided by subsection (4) and s.  
1097 88.5031, the employer shall withhold and distribute the funds as  
1098 directed in the withholding order by complying with the terms of  
1099 the order which specify:

1100 (b) The person ~~or agency~~ designated to receive payments  
1101 and the address to which the payments are to be forwarded;

1102 Section 38. Section 88.5031, Florida Statutes, is amended  
1103 to read:

1104 88.5031 Employer's compliance with two or more ~~multiple~~  
1105 income-withholding orders.—If the obligor's employer receives  
1106 two or more ~~multiple~~ income-withholding orders with respect to  
1107 the earnings of the same obligor, the employer satisfies the  
1108 terms of the ~~multiple~~ orders if the employer complies with the  
1109 law of the state of the obligor's principal place of employment  
1110 to establish the priorities for withholding and allocating  
1111 income withheld for two or more ~~multiple~~ child support obligees.

1112 Section 39. Section 88.5041, Florida Statutes, is amended  
1113 to read:

1114 88.5041 Immunity from civil liability.—An employer that  
1115 ~~who~~ complies with an income-withholding order issued in another  
1116 state in accordance with this article is not subject to civil  
1117 liability to an individual or agency with regard to the  
1118 employer's withholding of child support from the obligor's  
1119 income.



CS/CS/CS/HB 1111, Engrossed 2

2011

1120           Section 40.   Section 88.5051, Florida Statutes, is amended  
1121 to read:

1122           88.5051   Penalties for noncompliance.—An employer that ~~who~~  
1123 willfully fails to comply with an income-withholding order  
1124 issued by another state and received for enforcement is subject  
1125 to the same penalties that may be imposed for noncompliance with  
1126 an order issued by a tribunal of this state.

1127           Section 41.   Section 88.5061, Florida Statutes, is amended  
1128 to read:

1129           88.5061   Contest by obligor.—

1130           (1)   An obligor may contest the validity or enforcement of  
1131 an income-withholding order issued in another state and received  
1132 directly by an employer in this state by registering the order  
1133 in a tribunal of this state and filing a contest to that order  
1134 as provided in part VI of this chapter, or otherwise contesting  
1135 the order in the same manner as if the order had been issued by  
1136 a tribunal of this state. ~~Section 88.6041, choice of law,~~  
1137 ~~applies to the contest.~~

1138           (2)   The obligor shall give notice of the contest to:

1139           (a)   A support enforcement agency providing services to the  
1140 obligee;

1141           (b)   Each employer that has directly received an income-  
1142 withholding order relating to the obligor; and

1143           (c)   The person ~~or agency~~ designated to receive payments in  
1144 the income-withholding order, or if no person ~~or agency~~ is  
1145 designated, to the obligee.

1146           Section 42.   Subsection (1) of section 88.5071, Florida  
1147 Statutes, is amended to read:

CS/CS/CS/HB 1111, Engrossed 2

2011

88.5071 Administrative enforcement of orders.—

(1) A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued ~~in by a tribunal of~~ another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this state.

Section 43. (1) The Division of Statutory Revision is directed to redesignate part VI of chapter 88, Florida Statutes, as "REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER."

(2) The Division of Statutory Revision is directed to divide part VI of chapter 88, Florida Statutes, into subpart A, consisting of ss. 88.6011-88.6041, Florida Statutes, to be entitled "Registration and Enforcement of Support Order;" subpart B, consisting of ss. 88.6051-88.6081, Florida Statutes, to be entitled "Contest of Validity or Enforcement;" subpart C, consisting of ss. 88.6091-88.6141, Florida Statutes, to be entitled "Registration and Modification of Child Support Order of Another State;" and subpart D, consisting of ss. 88.6151 and 88.6161, Florida Statutes, to be entitled "Registration and Modification of Foreign Child Support Order."

Section 44. Section 88.6011, Florida Statutes, is amended to read:

88.6011 Registration of order for enforcement.—A support order or an income-withholding order issued ~~in by a tribunal of~~ another state or a foreign support order may be registered in this state for enforcement.

1175 Section 45. Section 88.6021, Florida Statutes, is amended  
1176 to read:

1177 88.6021 Procedure to register order for enforcement.—

1178 (1) Except as otherwise provided in s. 88.7061, a support  
1179 order or income-withholding order of another state or a foreign  
1180 support order may be registered in this state by sending the  
1181 following records ~~documents and information~~ to the appropriate  
1182 tribunal in this state:

1183 (a) A letter of transmittal to the tribunal requesting  
1184 registration and enforcement.

1185 (b) Two copies, including one certified copy, of the order  
1186 ~~all orders~~ to be registered, including any modification of the  
1187 ~~an~~ order.

1188 (c) A sworn statement by the person requesting party  
1189 ~~seeking~~ registration or a certified statement by the custodian  
1190 of the records showing the amount of any arrearage.

1191 (d) The name of the obligor and, if known:

1192 1. The obligor's address and social security number.

1193 2. The name and address of the obligor's employer and any  
1194 other source of income of the obligor.

1195 3. A description and the location of property of the  
1196 obligor in this state not exempt from execution.

1197 (e) Except as otherwise provided in s. 88.3121, the name  
1198 and address of the obligee and, if applicable, the ~~agency or~~  
1199 person to whom support payments are to be remitted.

1200 (2) On receipt of a request for registration, the  
1201 registering tribunal shall cause the order to be filed as an  
1202 order of a tribunal of another state or a foreign support order

CS/CS/CS/HB 1111, Engrossed 2

2011

1203 ~~a foreign judgment~~, together with one copy of the documents and  
1204 information, regardless of their form.

1205 (3) A petition or comparable pleading seeking a remedy  
1206 that must be affirmatively sought under other law of this state  
1207 may be filed at the same time as the request for registration or  
1208 later. The pleading must specify the grounds for the remedy  
1209 sought.

1210 (4) If two or more orders are in effect, the person  
1211 requesting registration shall:

1212 (a) Furnish to the tribunal a copy of every support order  
1213 asserted to be in effect in addition to the documents specified  
1214 in this section;

1215 (b) Specify the order alleged to be the controlling order,  
1216 if any; and

1217 (c) Specify the amount of consolidated arrears, if any.

1218 (5) A request for a determination of which is the  
1219 controlling order may be filed separately or with a request for  
1220 registration and enforcement or for registration and  
1221 modification. The person requesting registration shall give  
1222 notice of the request to each party whose rights may be affected  
1223 by the determination.

1224 Section 46. Section 88.6031, Florida Statutes, is amended  
1225 to read:

1226 88.6031 Effect of registration for enforcement.—

1227 (1) A support order or income-withholding order issued in  
1228 another state or a foreign support order is registered when the  
1229 order is filed in the registering tribunal of this state.

1230 (2) A registered support order issued in another state or

1231 a foreign country is enforceable in the same manner and is  
1232 subject to the same procedures as an order issued by a tribunal  
1233 of this state.

1234 (3) Except as otherwise provided in this act ~~article~~, a  
1235 tribunal of this state shall recognize and enforce, but may not  
1236 modify, a registered support order if the issuing tribunal had  
1237 jurisdiction.

1238 Section 47. Section 88.6041, Florida Statutes, is amended  
1239 to read:

1240 88.6041 Choice of law.—

1241 (1) Except as otherwise provided in subsection (4), the  
1242 law of the issuing state or foreign country governs:

1243 (a) The nature, extent, amount, and duration of current  
1244 payments under a registered support order; ~~and other obligations~~  
1245 ~~of support and~~

1246 (b) The computation and payment of arrearages and accrual  
1247 of interest on the arrearages under the order; and

1248 (c) The existence and satisfaction of other obligations  
1249 under the support order.

1250 (2) In a proceeding for arrears under a registered support  
1251 order ~~arrearages~~, the statute of limitation ~~under the laws~~ of  
1252 this state or of the issuing state or foreign country, whichever  
1253 is longer, applies.

1254 (3) A responding tribunal of this state shall apply the  
1255 procedures and remedies of this state to enforce current support  
1256 and collect arrears and interest due on a support order of  
1257 another state or foreign country registered in this state.

1258       (4) After a tribunal of this or another state determines  
1259 which is the controlling order and issues an order consolidating  
1260 arrears, if any, a tribunal of this state shall prospectively  
1261 apply the law of the state or foreign country issuing the  
1262 controlling order, including its law on interest on arrears, on  
1263 current and future support, and on consolidated arrears.

1264       Section 48. Section 88.6051, Florida Statutes, is amended  
1265 to read:

1266       88.6051 Notice of registration of order.—

1267       (1) When a support order or income-withholding order  
1268 issued in another state or a foreign support order is  
1269 registered, the registering tribunal of this state shall notify  
1270 the nonregistering party. The notice must be accompanied by a  
1271 copy of the registered order and the documents and relevant  
1272 information accompanying the order.

1273       (2) A ~~The~~ notice must inform the nonregistering party:

1274       (a) That a registered order is enforceable as of the date  
1275 of registration in the same manner as an order issued by a  
1276 tribunal of this state.

1277       (b) That a hearing to contest the validity or enforcement  
1278 of the registered order must be requested within 20 days after  
1279 the date of mailing or personal service of the notice, unless  
1280 the registered order is under s. 88.7071.

1281       (c) That failure to contest the validity or enforcement of  
1282 the registered order in a timely manner will result in  
1283 confirmation of the order and enforcement of the order and the  
1284 alleged arrearages and precludes further contest of that order  
1285 with respect to any matter that could have been asserted.

1286 (d) Of the amount of any alleged arrearages.

1287 (3) If the registering party asserts that two or more  
1288 orders are in effect, a notice must also:

1289 (a) Identify the two or more orders and the order alleged  
1290 by the registering party to be the controlling order and the  
1291 consolidated arrears, if any;

1292 (b) Notify the nonregistering party of the right to a  
1293 determination of which is the controlling order;

1294 (c) State that the procedures provided in subsection (2)  
1295 apply to the determination of which is the controlling order;  
1296 and

1297 (d) State that failure to contest the validity or  
1298 enforcement of the order alleged to be the controlling order in  
1299 a timely manner may result in confirmation that the order is the  
1300 controlling order.

1301 (4)-(3) Upon registration of an income-withholding order  
1302 for enforcement, the support enforcement agency or the  
1303 registering tribunal shall notify the obligor's employer  
1304 pursuant to chapter 61 or other income deduction law of this  
1305 state.

1306 Section 49. Subsections (1) and (2) of section 88.6061,  
1307 Florida Statutes, are amended to read:

1308 88.6061 Procedure to contest validity or enforcement of  
1309 registered order.—

1310 (1) A nonregistering party seeking to contest the validity  
1311 or enforcement of a registered order in this state shall request  
1312 a hearing within the time required by s. 88.6051 ~~20 days after~~  
1313 ~~notice of the registration.~~ The nonregistering party may seek to

CS/CS/CS/HB 1111, Engrossed 2

2011

vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to s. 88.6071.

(2) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.

Section 50. Section 88.6071, Florida Statutes, is amended to read:

88.6071 Contest of registration or enforcement.—

(1) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(a) The issuing tribunal lacked personal jurisdiction over the contesting party;

(b) The order was obtained by fraud;

(c) The order has been vacated, suspended, or modified by a later order;

(d) The issuing tribunal has stayed the order pending appeal;

(e) There is a defense under the law of this state to the remedy sought;

(f) Full or partial payment has been made; ~~or~~

(g) The statute of limitation under s. 88.6041 precludes enforcement of some or all of the alleged arrearages; or

(h) The alleged controlling order is not the controlling order.

(2) If a party presents evidence establishing a full or



1342 partial defense under subsection (1), a tribunal may stay  
1343 enforcement of a ~~the~~ registered support order, continue the  
1344 proceeding to permit production of additional relevant evidence,  
1345 and issue other appropriate orders. An uncontested portion of  
1346 the registered support order may be enforced by all remedies  
1347 available under the law of this state.

1348 (3) If the contesting party does not establish a defense  
1349 under subsection (1) to the validity or enforcement of a  
1350 registered support ~~the~~ order, the registering tribunal shall  
1351 issue an order confirming the order.

1352 Section 51. Section 88.6081, Florida Statutes, is amended  
1353 to read:

1354 88.6081 Confirmed order.—Confirmation of a registered  
1355 support order, whether by operation of law or after notice and  
1356 hearing, precludes further contest of the order with respect to  
1357 any matter that could have been asserted at the time of  
1358 registration.

1359 Section 52. Section 88.6091, Florida Statutes, is amended  
1360 to read:

1361 88.6091 Procedure to register child support order of  
1362 another state for modification.—A party or support enforcement  
1363 agency seeking to modify, or to modify and enforce, a child  
1364 support order issued in another state shall register that order  
1365 in this state in the same manner provided in ss. 88.6011-88.6081  
1366 ~~88.6011-88.6041~~ if the order has not been registered. A petition  
1367 for modification may be filed at the same time as a request for  
1368 registration, or later. The pleading must specify the grounds  
1369 for modification.

CS/CS/CS/HB 1111, Engrossed 2

2011

1370 Section 53. Section 88.6111, Florida Statutes, is amended  
1371 to read:

1372 88.6111 Modification of child support order of another  
1373 state.—

1374 (1) If s. 88.6131 does not apply, upon petition, a  
1375 tribunal of this state may modify ~~After~~ a child support order  
1376 issued in another state which is ~~has been~~ registered in this  
1377 state, ~~the responding tribunal of this state may modify that~~  
1378 ~~order only if, s. 88.6131 does not apply and after notice and~~  
1379 hearing, the tribunal ~~it~~ finds that:

1380 (a) The following requirements are met:

1381 1. Neither the child, nor the ~~individual~~ obligee who is an  
1382 individual, nor ~~and~~ the obligor resides ~~do not reside~~ in the  
1383 issuing state;

1384 2. A petitioner who is a nonresident of this state seeks  
1385 modification; and

1386 3. The respondent is subject to the personal jurisdiction  
1387 of the tribunal of this state; or

1388 (b) This state is the state of residence of the child, or  
1389 a party who is an individual, is subject to the personal  
1390 jurisdiction of the tribunal of this state and all of the  
1391 parties who are individuals have filed ~~written~~ consents in a  
1392 record in the issuing tribunal for a tribunal of this state to  
1393 modify the support order and assume continuing exclusive  
1394 jurisdiction ~~over the order. However, if the issuing state is a~~  
1395 ~~foreign jurisdiction that has not enacted a law or established~~  
1396 ~~procedures substantially similar to the procedures under this~~  
1397 ~~act, the consent otherwise required of an individual residing in~~

1398 ~~this state is not required for the tribunal to assume~~  
1399 ~~jurisdiction to modify the child support order.~~

1400 (2) Modification of a registered child support order is  
1401 subject to the same requirements, procedures, and defenses that  
1402 apply to the modification of an order issued by a tribunal of  
1403 this state and the order may be enforced and satisfied in the  
1404 same manner.

1405 (3) A tribunal of this state may not modify any aspect of  
1406 a child support order that may not be modified under the law of  
1407 the issuing state, including the duration of the obligation of  
1408 support. If two or more tribunals have issued child support  
1409 orders for the same obligor and same child, the order that  
1410 controls and must be so recognized under s. 88.2071 establishes  
1411 the aspects of the support order which are nonmodifiable.

1412 (4) In a proceeding to modify a child support order, the  
1413 law of the state that is determined to have issued the initial  
1414 controlling order governs the duration of the obligation of  
1415 support. The obligor's fulfillment of the duty of support  
1416 established by that order precludes imposition of a further  
1417 obligation of support by a tribunal of this state.

1418 ~~(5)-(4)~~ On issuance of an order by a tribunal of this state  
1419 modifying a child support order issued in another state, the a  
1420 tribunal of this state becomes the tribunal of continuing  
1421 exclusive jurisdiction.

1422 (6) Notwithstanding subsections (1)-(5) and s. 88.2011(2),  
1423 a tribunal of this state retains jurisdiction to modify an order  
1424 issued by a tribunal of this state if:

1425 (a) One party resides in another state; and

CS/CS/CS/HB 1111, Engrossed 2

2011

1426 (b) The other party resides outside the United States.

1427 Section 54. Section 88.6121, Florida Statutes, is amended  
1428 to read:

1429 88.6121 Recognition of order modified in another state.—If  
1430 a child support order issued by a tribunal of this state is  
1431 modified shall recognize a modification of its earlier child  
1432 support order by a tribunal of another state which assumed  
1433 jurisdiction pursuant to the Uniform Interstate Family Support  
1434 Act, a tribunal of this state this act or a law substantially  
1435 similar to this act and, upon request, except as otherwise  
1436 provided in this act, shall:

1437 (1) May enforce the order that was modified only as to  
1438 arrears and interest amounts accruing before the modification.

1439 ~~(2) Enforce only nonmodifiable aspects of that order.~~

1440 ~~(2)(3)~~ May provide ~~other~~ appropriate relief ~~only~~ for  
1441 violations of its that order which occurred before the effective  
1442 date of the modification.

1443 ~~(3)(4)~~ Shall recognize the modifying order of the other  
1444 state, upon registration, for the purpose of enforcement.

1445 Section 55. Section 88.6151, Florida Statutes, is created  
1446 to read:

1447 88.6151 Jurisdiction to modify child support order of  
1448 foreign country.—

1449 (1) Except as otherwise provided in s. 88.7111, if a  
1450 foreign country lacks or refuses to exercise jurisdiction to  
1451 modify its child support order pursuant to its laws, a tribunal  
1452 of this state may assume jurisdiction to modify the child  
1453 support order and bind all individuals subject to the personal

CS/CS/CS/HB 1111, Engrossed 2

2011

jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to s. 88.6111 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

(2) An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

Section 56. Section 88.6161, Florida Statutes, is created to read:

88.6161 Procedure to register child support order of foreign country for modification.—A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the convention may register that order in this state under ss. 88.6011-88.6081 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification.

Section 57. The Division of Statutory Revision is directed to redesignate part VII of chapter 88, Florida Statutes, as "SUPPORT PROCEEDING UNDER CONVENTION."

Section 58. Section 88.7011, Florida Statutes, is repealed.

Section 59. Section 88.70111, Florida Statutes, is created to read:

88.70111 Definitions.—As used in this part, the term:

1480       (1) "Application" means a request under the convention by  
1481 an obligee or obligor, or on behalf of a child, made through a  
1482 central authority for assistance from another central authority.

1483       (2) "Central authority" means the entity designated by the  
1484 United States or a foreign country described in s. 88.1011(5)(d)  
1485 to perform the functions specified in the convention.

1486       (3) "Convention support order" means a support order of a  
1487 tribunal of a foreign country described in s. 88.1011(5)(d).

1488       (4) "Direct request" means a petition filed by an  
1489 individual in a tribunal of this state in a proceeding involving  
1490 an obligee, obligor, or child residing outside the United  
1491 States.

1492       (5) "Foreign central authority" means the entity  
1493 designated by a foreign country described in s. 88.1011(5)(d) to  
1494 perform the functions specified in the convention.

1495       (6) "Foreign support agreement":

1496       (a) Means an agreement for support in a record that:

1497       1. Is enforceable as a support order in the country of  
1498 origin;

1499       2. Has been:

1500       a. Formally drawn up or registered as an authentic  
1501 instrument by a foreign tribunal; or

1502       b. Authenticated by or concluded, registered, or filed  
1503 with a foreign tribunal; and

1504       3. May be reviewed and modified by a foreign tribunal; and

1505       (b) Includes a maintenance arrangement or authentic  
1506 instrument under the convention.

CS/CS/CS/HB 1111, Engrossed 2

2011

1507        (7) "United States central authority" means the Secretary  
1508 of the United States Department of Health and Human Services.

1509        Section 60. Section 88.7021, Florida Statutes, is created  
1510 to read:

1511        88.7021 Applicability.—This part applies only to a support  
1512 proceeding under the convention. In such a proceeding, if a  
1513 provision of this part is inconsistent with parts I through VI,  
1514 this part controls.

1515        Section 61. Section 88.7031, Florida Statutes, is created  
1516 to read:

1517        88.7031 Relationship of Department of Revenue to United  
1518 States central authority.—The Department of Revenue is  
1519 recognized as the agency designated by the United States central  
1520 authority to perform specific functions under the convention.

1521        Section 62. Section 88.7041, Florida Statutes, is created  
1522 to read:

1523        88.7041 Initiation by Department of Revenue of support  
1524 proceeding under convention.—

1525        (1) In a support proceeding under this part, the  
1526 Department of Revenue shall:

1527        (a) Transmit and receive applications; and

1528        (b) Initiate or facilitate the institution of a proceeding  
1529 regarding an application in a tribunal of this state.

1530        (2) The following support proceedings are available to an  
1531 obligee under the convention:

1532        (a) Recognition or recognition and enforcement of a  
1533 foreign support order.

1534        (b) Enforcement of a support order issued or recognized in

1535 this state.

1536 (c) Establishment of a support order if there is no  
1537 existing order, including, where necessary, determination of  
1538 parentage of a child.

1539 (d) Establishment of a support order if recognition of a  
1540 foreign support order is refused under s. 88.7081(2)(b), (d), or  
1541 (i).

1542 (e) Modification of a support order of a tribunal of this  
1543 state.

1544 (f) Modification of a support order of a tribunal of  
1545 another state or a foreign country.

1546 (3) The following support proceedings are available under  
1547 the convention to an obligor against whom there is an existing  
1548 support order:

1549 (a) Recognition of an order suspending or limiting  
1550 enforcement of an existing support order of a tribunal of this  
1551 state.

1552 (b) Modification of a support order of a tribunal of this  
1553 state.

1554 (c) Modification of a support order of a tribunal of  
1555 another state or foreign country.

1556 (4) A tribunal of this state may not require security,  
1557 bond, or deposit, however described, to guarantee the payment of  
1558 costs and expenses in proceedings under the convention.

1559 Section 63. Section 88.7051, Florida Statutes, is created  
1560 to read:

1561 88.7051 Direct request.—

1562 (1) A petitioner may file a direct request seeking



1563 establishment or modification of a support order or  
1564 determination of parentage of a child. In the proceeding, the  
1565 law of this state applies.

1566 (2) A petitioner may file a direct request in a tribunal  
1567 of this state seeking recognition and enforcement of a support  
1568 order or support agreement. In such a proceeding, the provisions  
1569 of ss. 88.7061-88.7131 apply.

1570 (3) In a direct request for recognition and enforcement of  
1571 a convention support order or foreign support agreement:

1572 (a) A security, bond, or deposit is not required to  
1573 guarantee the payment of costs and expenses; and

1574 (b) An obligee or obligor that in the issuing country has  
1575 benefited from free legal assistance is entitled to benefit, at  
1576 least to the same extent, from any free legal assistance  
1577 provided for by the law of this state under the same  
1578 circumstances.

1579 (4) An individual filing a direct request is not entitled  
1580 to assistance from the Department of Revenue.

1581 (5) This part does not prevent the application of laws of  
1582 this state that provide simplified, more expeditious rules  
1583 regarding a direct request for recognition and enforcement of a  
1584 foreign support order or foreign support agreement.

1585 Section 64. Section 88.7061, Florida Statutes, is created  
1586 to read:

1587 88.7061 Registration of convention support order.—

1588 (1) Except as otherwise provided in this part, a party who  
1589 is an individual or a support enforcement agency seeking  
1590 recognition of a convention support order shall register the

1591 order in this state as provided in part VI of this chapter.

1592 (2) Notwithstanding ss. 88.3111 and 88.6021(1), a request  
1593 for registration of a convention support order must be  
1594 accompanied by the following:

1595 (a) A complete text of the support order, or an abstract  
1596 or extract of the support order drawn up by the issuing foreign  
1597 tribunal, which may be in the form recommended by the Hague  
1598 Conference on Private International Law.

1599 (b) A record stating that the support order is enforceable  
1600 in the issuing country.

1601 (c) If the respondent did not appear and was not  
1602 represented in the proceedings in the issuing country, a record  
1603 attesting, as appropriate, either that the respondent had proper  
1604 notice of the proceedings and an opportunity to be heard, or  
1605 that the respondent had proper notice of the support order and  
1606 the opportunity to be heard in a challenge or appeal on fact or  
1607 law before a tribunal.

1608 (d) A record showing the amount of any arrears, and the  
1609 date the amount was calculated.

1610 (e) A record showing a requirement for automatic  
1611 adjustment of the amount of support, if any, and the information  
1612 necessary to make the appropriate calculations, if necessary.

1613 (f) A record showing the extent to which the applicant  
1614 received free legal assistance in the issuing country.

1615 (3) A request for registration of a convention support  
1616 order may seek recognition and partial enforcement of the order.

1617 (4) A tribunal of this state may vacate the registration  
1618 of a convention support order without the filing of a contest

1619 under s. 88.7071 only if, acting on its own motion, the tribunal  
1620 finds that recognition and enforcement of the order would be  
1621 manifestly incompatible with public policy.

1622 (5) The tribunal shall promptly notify the parties of the  
1623 registration or the order vacating the registration of a  
1624 convention support order.

1625 Section 65. Section 88.7071, Florida Statutes, is created  
1626 to read:

1627 88.7071 Contest of registered convention support order.—

1628 (1) Except as otherwise provided in this part, ss.  
1629 88.6051-88.6081 apply to a contest of a registered convention  
1630 support order.

1631 (2) A party contesting a registered convention support  
1632 order shall file a contest not later than 30 days after notice  
1633 of the registration, but if the contesting party does not reside  
1634 in the United States, the contest must be filed not later than  
1635 60 days after notice of the registration.

1636 (3) If the nonregistering party fails to contest the  
1637 registered convention support order by the time specified in  
1638 subsection (2), the order is enforceable.

1639 (4) A contest of a registered convention support order may  
1640 be based only on grounds set forth in s. 88.7081. The contesting  
1641 party bears the burden of proof.

1642 (5) In a contest of a registered convention support order,  
1643 a tribunal of this state:

1644 (a) Is bound by the findings of fact on which the foreign  
1645 tribunal based its jurisdiction; and

1646 (b) May not review the merits of the order.

1647       (6) A tribunal of this state deciding a contest of a  
1648 registered convention support order shall promptly notify the  
1649 parties of its decision.

1650       (7) A challenge or appeal, if any, does not stay the  
1651 enforcement of a convention support order unless there are  
1652 exceptional circumstances.

1653       Section 66. Section 88.7081, Florida Statutes, is created  
1654 to read:

1655       88.7081 Recognition and enforcement of convention support  
1656 order.—

1657       (1) Except as otherwise provided in subsection (2), a  
1658 tribunal of this state shall recognize and enforce a registered  
1659 convention support order.

1660       (2) The following grounds are the only grounds on which a  
1661 tribunal of this state may refuse recognition and enforcement of  
1662 a registered convention support order:

1663       (a) Recognition and enforcement of the order is manifestly  
1664 incompatible with public policy, including the failure of the  
1665 issuing tribunal to observe minimum standards of due process,  
1666 which include notice and an opportunity to be heard;

1667       (b) The issuing tribunal lacked personal jurisdiction  
1668 consistent with s. 88.2011;

1669       (c) The order is not enforceable in the issuing country;

1670       (d) The order was obtained by fraud in connection with a  
1671 matter of procedure;

1672       (e) A record transmitted in accordance with s. 88.7061  
1673 lacks authenticity or integrity;

1674       (f) A proceeding between the same parties and having the

1675 same purpose is pending before a tribunal of this state and that  
1676 proceeding was the first to be filed;

1677 (g) The order is incompatible with a more recent support  
1678 order involving the same parties and having the same purpose if  
1679 the more recent support order is entitled to recognition and  
1680 enforcement under this act in this state;

1681 (h) Payment, to the extent alleged arrears have been paid  
1682 in whole or in part;

1683 (i) In a case in which the respondent neither appeared nor  
1684 was represented in the proceeding in the issuing foreign  
1685 country:

1686 1. If the law of that country provides for prior notice of  
1687 proceedings, the respondent did not have proper notice of the  
1688 proceedings and an opportunity to be heard; or

1689 2. If the law of that country does not provide for prior  
1690 notice of the proceedings, the respondent did not have proper  
1691 notice of the order and an opportunity to be heard in a  
1692 challenge or appeal on fact or law before a tribunal; or

1693 (j) The order was made in violation of s. 88.7111.

1694 (3) If a tribunal of this state does not recognize a  
1695 convention support order under paragraph (2) (b), (d), (f), or  
1696 (i):

1697 (a) The tribunal may not dismiss the proceeding without  
1698 allowing a reasonable time for a party to request the  
1699 establishment of a new convention support order; and

1700 (b) The Department of Revenue shall take all appropriate  
1701 measures to request a child support order for the obligee if the  
1702 application for recognition and enforcement was received under

s. 88.7041.

Section 67. Section 88.7091, Florida Statutes, is created to read:

88.7091 Partial enforcement.—If a tribunal of this state does not recognize and enforce a convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order.

Section 68. Section 88.7101, Florida Statutes, is created to read:

88.7101 Foreign support agreement.—

(1) Except as provided in subsections (3) and (4), a tribunal of this state shall recognize and enforce a foreign support agreement registered in this state.

(2) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

(a) A complete text of the foreign support agreement; and

(b) A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

(3) A tribunal of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

(4) In a contest of a foreign support agreement, a tribunal of this state may refuse recognition and enforcement of the agreement if it finds:

(a) Recognition and enforcement of the agreement is

1731 manifestly incompatible with public policy;

1732 (b) The agreement was obtained by fraud or falsification;

1733 (c) The agreement is incompatible with a support order  
1734 issued between the same parties and having the same purpose in  
1735 this state, another state, or a foreign country if the support  
1736 order is entitled to recognition in this state; or

1737 (d) The record submitted under subsection (2) lacks  
1738 authenticity or integrity.

1739 (5) A proceeding for recognition and enforcement of a  
1740 foreign support agreement must be suspended during the pendency  
1741 of a challenge to or appeal of the agreement before a tribunal  
1742 of another state or a foreign country.

1743 Section 69. Section 88.7111, Florida Statutes, is created  
1744 to read:

1745 88.7111 Modification of convention child support order.—

1746 (1) A tribunal of this state may not modify a convention  
1747 child support order if the obligee remains a resident of the  
1748 foreign country where the support order was issued unless:

1749 (a) The obligee submits to the jurisdiction of a tribunal  
1750 of this state, either expressly or by defending on the merits of  
1751 the case without objecting to the jurisdiction at the first  
1752 available opportunity; or

1753 (b) The foreign tribunal lacks or refuses to exercise  
1754 jurisdiction to modify its support order or issue a new support  
1755 order.

1756 (2) If a tribunal of this state does not modify a  
1757 convention child support order because the order is not  
1758 recognized in this state, the provisions of s. 88.7081(3) apply.

CS/CS/CS/HB 1111, Engrossed 2

2011

1759 Section 70. Section 88.7121, Florida Statutes, is created  
1760 to read:

1761 88.7121 Personal information; limit on use.—Personal  
1762 information gathered or transmitted under this part may be used  
1763 only for the purposes for which it was gathered or transmitted.

1764 Section 71. Section 88.7131, Florida Statutes, is created  
1765 to read:

1766 88.7131 Record in original language; English translation.—  
1767 A record filed with a tribunal of this state under this part  
1768 must be in the original language and, if not in English, must be  
1769 accompanied by an English translation.

1770 Section 72. Paragraph (b) of subsection (2) of section  
1771 88.8011, Florida Statutes, is amended to read:

1772 88.8011 Grounds for rendition.—

1773 (2) The Governor of this state may:

1774 (b) On the demand of ~~by~~ the Governor of another state,  
1775 surrender an individual found in this state who is charged  
1776 criminally in the other state with having failed to provide for  
1777 the support of an obligee.

1778 Section 73. Section 88.9011, Florida Statutes, is amended  
1779 to read:

1780 88.9011 Uniformity of application and construction.—In  
1781 applying and construing this uniform act, consideration must be  
1782 given to the need to promote uniformity of ~~This act shall be~~  
1783 ~~applied and construed to effectuate its general purpose to make~~  
1784 ~~uniform~~ the law with respect to its ~~the~~ subject matter ~~of this~~  
1785 ~~act~~ among states that enact ~~enacting~~ it.

1786 Section 74. Section 88.9021, Florida Statutes, is created



CS/CS/CS/HB 1111, Engrossed 2

2011

1787 to read:

1788 88.9021 Transitional provision.—This act applies to  
1789 proceedings begun on or after the effective date of this act to  
1790 establish a support order or determine parentage of a child or  
1791 to register, recognize, enforce, or modify a prior support  
1792 order, determination, or agreement, whenever issued or entered.

1793 Section 75. Section 88.9031, Florida Statutes, is amended  
1794 to read:

1795 88.9031 Severability ~~clause~~.—If any provision of this act  
1796 or its application to any person or circumstance is held  
1797 invalid, the invalidity does not affect other provisions or  
1798 applications of this act which can be given effect without the  
1799 invalid provision or application, and to this end the provisions  
1800 of this act are severable.

1801 Section 76. Paragraph (a) of subsection (7) of section  
1802 61.13, Florida Statutes, is amended to read:

1803 61.13 Support of children; parenting and time-sharing;  
1804 powers of court.—

1805 (7)(a) Each party to any paternity or support proceeding  
1806 is required to file with the tribunal as defined in s.  
1807 ~~88.1011(22)~~ and State Case Registry upon entry of an order, and  
1808 to update as appropriate, information on location and identity  
1809 of the party, including social security number, residential and  
1810 mailing addresses, telephone number, driver's license number,  
1811 and name, address, and telephone number of employer. Each party  
1812 to any paternity or child support proceeding in a non-Title IV-D  
1813 case shall meet the above requirements for updating the tribunal  
1814 and State Case Registry.

1815           Section 77. Paragraph (b) of subsection (5) of section  
1816 827.06, Florida Statutes, is amended to read:

1817           827.06 Nonsupport of dependents.—

1818           (5)

1819           (b) The element of knowledge may be proven by evidence  
1820 that a court or tribunal as defined by s. 88.1011~~(22)~~ has  
1821 entered an order that obligates the defendant to provide the  
1822 support.

1823           Section 78. Upon the passage of this bill, the Department  
1824 of Revenue is directed to apply for a waiver from the Federal  
1825 Office of Child Support Enforcement pursuant to the state plan  
1826 requirement under Title IV-D of the Social Security Act.

1827           Section 79. Effective July 1, 2011, subsection (9) of  
1828 section 61.08, Florida Statutes, is renumbered as subsection  
1829 (10), a new subsection (9) is added to that section, and  
1830 subsections (2), (7), and (8) of that section are amended, to  
1831 read:

1832           61.08 Alimony.—

1833           (2) In determining whether to award alimony or  
1834 maintenance, the court shall first make a specific factual  
1835 determination as to whether either party has an actual need for  
1836 alimony or maintenance and whether either party has the ability  
1837 to pay alimony or maintenance. If the court finds that a party  
1838 has a need for alimony or maintenance and that the other party  
1839 has the ability to pay alimony or maintenance, then in  
1840 determining the proper type and amount of alimony or maintenance  
1841 under subsections (5)-(8), the court shall consider all relevant  
1842 factors, including, but not limited to:

1843 (a) The standard of living established during the  
1844 marriage.

1845 (b) The duration of the marriage.

1846 (c) The age and the physical and emotional condition of  
1847 each party.

1848 (d) The financial resources of each party, including the  
1849 nonmarital and the marital assets and liabilities distributed to  
1850 each.

1851 (e) The earning capacities, educational levels, vocational  
1852 skills, and employability of the parties and, when applicable,  
1853 the time necessary for either party to acquire sufficient  
1854 education or training to enable such party to find appropriate  
1855 employment.

1856 (f) The contribution of each party to the marriage,  
1857 including, but not limited to, services rendered in homemaking,  
1858 child care, education, and career building of the other party.

1859 (g) The responsibilities each party will have with regard  
1860 to any minor children they have in common.

1861 (h) The tax treatment and consequences to both parties of  
1862 any alimony award, including the designation of all or a portion  
1863 of the payment as a nontaxable, nondeductible payment.

1864 (i) All sources of income available to either party,  
1865 including income available to either party through investments  
1866 of any asset held by that party.

1867 (j) Any other factor necessary to do equity and justice  
1868 between the parties.

1869 (7) Durational alimony may be awarded when permanent  
1870 periodic alimony is inappropriate. The purpose of durational

1871 alimony is to provide a party with economic assistance for a set  
1872 period of time following a marriage of short or moderate  
1873 duration or following a marriage of long duration if there is no  
1874 ongoing need for support on a permanent basis. An award of  
1875 durational alimony terminates upon the death of either party or  
1876 upon the remarriage of the party receiving alimony. The amount  
1877 of an award of durational alimony may be modified or terminated  
1878 based upon a substantial change in circumstances in accordance  
1879 with s. 61.14. However, the length of an award of durational  
1880 alimony may not be modified except under exceptional  
1881 circumstances and may not exceed the length of the marriage.

1882 (8) Permanent alimony may be awarded to provide for the  
1883 needs and necessities of life as they were established during  
1884 the marriage of the parties for a party who lacks the financial  
1885 ability to meet his or her needs and necessities of life  
1886 following a dissolution of marriage. Permanent alimony may be  
1887 awarded following a marriage of long duration if such an award  
1888 is appropriate upon consideration of the factors set forth in  
1889 subsection (2), following a marriage of moderate duration if  
1890 such an award is appropriate based upon clear and convincing  
1891 evidence after consideration of the factors set forth in  
1892 subsection (2), or following a marriage of short duration if  
1893 there are written findings of exceptional circumstances. In  
1894 awarding permanent alimony, the court shall include a finding  
1895 that no other form of alimony is fair and reasonable under the  
1896 circumstances of the parties. An award of permanent alimony  
1897 terminates upon the death of either party or upon the remarriage  
1898 of the party receiving alimony. An award may be modified or

1899 terminated based upon a substantial change in circumstances or  
1900 upon the existence of a supportive relationship in accordance  
1901 with s. 61.14.

1902       (9) The award of alimony may not leave the payor with  
1903 significantly less net income than the net income of the  
1904 recipient unless there are written findings of exceptional  
1905 circumstances.

1906       Section 80. Effective July 1, 2011, the amendments to s.  
1907 61.08, Florida Statutes, made by this act apply to all initial  
1908 awards of alimony entered after July 1, 2011, and to all  
1909 modifications of alimony of such awards made after July 1, 2011.  
1910 Such amendments may not serve as a basis to modify awards  
1911 entered before July 1, 2011, or as a basis to change amounts or  
1912 duration of awards existing before July 1, 2011. The amendments  
1913 to s. 61.08, Florida Statutes, made by this act are applicable  
1914 to all cases pending on or filed after July 1, 2011.

1915       Section 81. Except as otherwise expressly provided in this  
1916 act, this act shall take effect upon the earlier of 90 days  
1917 following Congress amending 42 U.S.C. s. 666(f) to allow or  
1918 require states to adopt the 2008 version of the Uniform  
1919 Interstate Family Support Act, or 90 days following the state  
1920 obtaining a waiver of its state plan requirement under Title IV-  
1921 D of the Social Security Act.